Environmental Clearance Application

Initial Study

Bentley Park

Application by

Pulte Home Corporation

June 10, 2003

Mindigo & Associates Environmental Consultants
1984 The Alameda ▪ San Jose, California 95126 ▪ (408) 554-6531

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City of San Jose
Department of Planning, Building and Code Enforcement
801 North First Street, Room 400
San Jose, CA 95110
(408) 277-4576

ENVIRONMENTAL CLEARANCE APPLICATION

TO BE COMPLETED BY PLANNING DIVISION STAFF		
FILE NUMBER:		RECIEPT #:_____ DATE:_____ AMOUNT:_____ BY:
ND GRANTED:	EIR REQUIRED:	
PROJECT MANAGER:	ENVIRONMENTAL COORDINATOR:	
NOTES:		

I. PROJECT DESCRIPTION

A. GENERAL INFORMATION

Applicant:	Pulte Home Corporation 7031 Koll Center Parkway, Suite 150 Pleasanton, CA 94566 925-249-3200, (fax) 925-485-0391 Attn: Dan Carroll
Property Owner:	Berryessa Union School District 1376 Piedmont Road San Jose, CA 95132 408-923-1800
Environmental Consultant:	Mindigo & Associates 1984 The Alameda San Jose, CA 95126 408-554-6531, (fax) 408-554-6577
Name of Project:	*Bentley Park*
Location of Project:	Easterly side of Flickinger Avenue, approximately 600 feet southerly of Hostetter Road
Brief Description of Project:	An 84-unit single family detached residential development on approximately 9.1 gross acres
Assessor's Parcel Number(s):	245-18-003

Click here for SANTA CLARA VALLEY MAP (Figure 1)

Click here for USGS MAP (Figure 2)

Click here for VICINITY MAP (Figure 3)

Click here for ASSESSOR'S PARCELS MAP (Figure 4)

Click here for AERIAL PHOTO OF THE VICINITY (Figure 5)

Click here for AERIAL PHOTO OF THE SITE (Figure 6)

Click here for VIEW OF THE SITE (Figure 7)

Click here for VIEW OF THE SITE (Figure 8)

B. PROJECT OBJECTIVE

The objective of this project is to construct high quality, single family homes on the site, in accordance with the goals and policies of the City of San Jose. The applicant believes that there is a market for them in this area.

C. DESCRIPTION

The project is a rezoning application for a single family detached residential development with individual lots located on private streets. The minimum lot is 3,000 square feet in area and the average lot is approximately 3,371 square feet. The Conceptual Site Plan provides for 84 units.

The Project Data table and reduced copies of the project plans follow. Full size copies are available for review at the City of San Jose Department of Planning, Building and Code Enforcement.

Unit Types

The homes are planned to be two story, wood frame structures with stucco and/or lap siding exteriors, with brick or synthetic stone veneers, and composite roofs. Each home includes a two-car garage, landscaped front yard and fenced rear yard. There are three different house plans, as follows:

Plan	No. of Stories	No. of Bedrooms	No. of Baths	Square Footage
One	2	3 to 4	2.5 to 3	1,699
Two	2	4	2.5	1,831
Three	2	4	2.5	2,145

Access and Street System

Access is from Flickinger Avenue. The internal project street system is to be private. The public and private streets are to be constructed of asphaltic concrete on a rock base, with concrete curbs, gutters and sidewalks, and street trees and electroliers in accordance with City standards.

Parking

Off-street parking for the project is to be provided in attached 2-car garages and on driveway aprons. A total of 336 off-street parking spaces is to be provided by the project.

Exterior Lighting

Standard electroliers in accordance with City standards are to be provided along the public street. Normal exterior household lighting is to be provided with the residences.

Utilities
All utilities required to serve the project, including sanitary sewer, wastewater treatment, water supply, storm drainage, natural gas, electricity and telephone, as further described in the following Utilities and Service Systems section, would be provided with the project. All of the utilities within the project are to be underground.

Demolition
There are no existing structures on the project site to be demolished.

Hazardous Materials
Hazardous materials other than those for normal household and yard use will not be used as a part of the operation of any of the establishments on the project site.

Grading
Grading planned for the project is shown on the following Conceptual Grading & Drainage Plan, Figure 13. The final lot and street grading for the project is to be designed to conform to the natural ground as closely as possible. The amount of grading planned is the minimum required to provide public and private streets that meet requirements for structural section and rate of grade, and to allow the construction of level building pads with positive drainage. In addition to the lot and street excavation, trenching is required for the underground utilities and sewer system. Approximately 20,000 to 25,000 cubic yards of material are estimated to be moved during the grading operations. The maximum finished cut or fill is estimated to be less than three feet, and no significant import or export of natural material is expected.

Tree Removal
There is one existing tree onsite, which is to be removed, as further discussed in the following Biological Resources section.

Public Improvements
Public improvements planned with the project include the additional dedication (as required) and improvement of Flickinger Avenue adjacent to the project site. Flickinger Avenue is to be dedicated and improved in accordance with City standards; the precise dedication and improvement width and public street right-of-way are to be in conformance with City plans and requirements.

Public Land Reservations
There are no public land reservations with this project.

Other Related Permits

In addition to the proposed Planned Development (PD) zoning, other related permits to be obtained from the City of San Jose and/or any other public agency approvals required for this project by other local, State or Federal agencies are as follows:

Agency	Permit/Approval
City of San Jose	PD Permit, Tentative Map, Final Map, Grading Permit, Tree Removal Permit, Building Permits

Community Meeting

A community meeting to discuss the proposed project with neighbors was held on May 12, 2003. The following issues were covered: project design, the number of people per unit, parking, and the proposed improvements to Flickinger Park.

Table 1. Project Data

Category		Figure
Gross Acreage		9.1
Public Streets		0.8
Net Acreage		8.3
Average Lot Size *(square feet)*		3,371
Minimum Lot Size *(square feet)*		3,000
Number of Single Family Homes		
Three bedroom units		28
Four bedroom units		56
Total		84
Maximum Building Height (feet)		30
Estimated Population *		269
Estimated School Children		
K-8 *(0.21)*		18
9-12 *(0.20)*		17
Total		35
Estimated Price Range		$575,000 to $625,000
Estimated Wastewater *(gallons/day)*		20,000
Estimated Water Demand *(gallons/day)*		35,000
Estimated Solid Waste *(tons/year)*		74
Coverage Factors	Acres	Percent
Homes & Garages	2.6	28
Private Open Space	3.6	40
Public Streets	0.8	9
Private Streets	2.1	23
Total	9.1	100
Density *(units/net acre)*		84 / 8.3 = 10.1
Density *(units/gross acre)*		84 / 9.1 = 9.2
Start/Completion Dates		Winter, 2003 / Winter, 2004

* Based on 2000 Census average of 3.20 persons per dwelling unit.

Click here for LAND USE PLAN
(FIGURE 9)

Click here for CONCEPTUAL SITE PLAN
(FIGURE 10)

Click here for TYPICAL FLOOR PLAN
(FIGURE 11)

Click here for TYPICAL ELEVATIONS
(FIGURE 12)

Click here for CONCEPTUAL GRADING & DRAINAGE PLAN
(FIGURE 13)

II. ENVIRONMENTAL SETTING, IMPACT CHECKLIST AND MITIGATION

1. AESTHETICS

SETTING

The current view of the project site consists primarily of vacant grassland and a community garden, which can be seen in the preceding photographs, Figures 7 and 8.

Scenic Route

The project site is not located adjacent to a designated scenic route.

SIGNIFICANCE CRITERIA

The proposed project would have a significant impact on aesthetics if it would:

- Have a substantial adverse effect on a scenic vista.
- Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings and historic buildings within a state scenic highway.
- Substantially degrade the existing visual character or quality of the site and its surroundings.
- Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area.
- Increase the amount of shade in public and private open space on adjacent sites.

IMPACT AND MITIGATION

ISSUES	POTENTIALLY SIGNIFICANT IMPACT	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT	SOURCES
1. AESTHETICS. Would the project:					
a. Have a substantial adverse effect on a scenic vista?				**X**	25,26,27
b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings and historic buildings within a state scenic highway?				**X**	25, 26,27,29
c. Substantially degrade the existing visual character or quality of the site and its surroundings?		**X**			25,26,27
d. Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?		**X**			25,26,28
e. Increase the amount of shade in public and private open space on adjacent sites?			**X**		25,26,28

The current view of the site consists of vacant grassland and a community garden as shown on the preceding photographs, Figures 7 and 8. The project would change the view of the site from vacant / community garden to single family detached residential.

Light and Glare

The project could potentially produce offsite light and glare. Normal exterior household lighting is to be provided with the residences. The project would be designed to utilize downward-directed street lights in order to prevent offsite glare.

Temporary Construction Visual Impacts

Construction of a typical project causes short-term visual impacts. The grading operations create a visual impact, and construction debris, rubbish and trash can accumulate on construction sites and are unsightly if visible from public streets. The completion of the project improvements and landscaping would eliminate the short-term visual impacts of the grading and construction operations.

MITIGATION MEASURES INCLUDED IN THE PROJECT

- Trees and landscaping shall be provided.

Light and Glare

- Downward-directed street lights along the public streets shall be provided in order to prevent offsite glare.

Temporary Construction Visual Impacts

- Public streets that are impacted by project construction activities shall be swept and washed down daily.

- Debris, rubbish and trash shall be cleared from any areas onsite that are visible from a public street.

2. AGRICULTURE RESOURCES

SETTING

Important Farmlands

The *Santa Clara County Important Farmland Map*, prepared by the California Department of Conservation and the USDA Soil Conservation Service, classifies land in seven categories in order of significance: 1) prime farmland, 2) farmland of Statewide importance, 3) unique farmland, 4) farmland of local importance, 5) grazing land, 6) urban and built-up land and 7) other land. The project site is classified as "urban and built-up land," which is defined as land occupied by structures with a building density of at least one unit to one and one-half acres.

Williamson Act

The California Land Conservation Act ("Williamson Act") was enacted to help preserve agricultural and open space lands via a contract between the property owner and the local jurisdiction. Under the contract, the owner of the land agrees not to develop the land in exchange for reduced property taxes. The project site is not under a Williamson Act contract.

SIGNIFICANCE CRITERIA

The proposed project would have a significant impact on agriculture resources if it would:

- Convert Prime Farmland, Unique Farmland or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use.
- Conflict with existing zoning for agricultural use, or a Williamson Act contract.
- Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use.

IMPACT AND MITIGATION

ISSUES	POTENTIALLY SIGNIFICANT IMPACT	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT	SOURCES
2. AGRICULTURE RESOURCES. Would the project:					
a. Convert Prime Farmland, Unique Farmland or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				**X**	30,31
b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?				**X**	32,57

c. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use?				**X**	25,26,28

Important Farmlands

The project site is classified as urban and built-up land on the *Important Farmland Map* for Santa Clara County. Since the site is not classified as farmland, the project would not have a significant impact on agricultural land.

MITIGATION MEASURES INCLUDED IN THE PROJECT

None required.

3. AIR QUALITY

SETTING

Bay Area Air Quality Management District

The project site is located in the Bay Area Air Quality Management District (BAAQMD). The District includes seven Bay Area counties and portions of two others. Air quality emission and control standards are established by the BAAQMD and the California Air Resources Board, and by the Environmental Protection Agency (EPA) at the Federal level. These agencies are responsible for developing and enforcing regulations involving industrial and vehicular pollutant emissions, including transportation management and control mitigation measures.

Regional Climate

The air quality of a given area is not only dependent upon the amount of air pollutants emitted locally or within the air basin, but also is directly related to the weather patterns of the region. The wind speed and direction, the temperature profile of the atmosphere, and the amount of humidity and sunlight determine the fate of the emitted pollutants each day, and determine the resulting concentrations of air pollutants defining the "air quality."

The Bay Area climate is Mediterranean, with mild, rainy winters November through March, and warm, sunny and nearly dry summers June through September. Summer temperature inversions trap ground level pollutants. Winter conditions are less conducive to smog, but thin evening inversions sometimes concentrate carbon monoxide emissions at ground level.

Air Quality Standards

The U.S. Environmental Protection Agency (U.S. EPA) and the California Air Resources Board have both established ambient air quality standards for common pollutants to avoid adverse health effects from each pollutant. The pollutants, which include ozone, carbon monoxide (CO), nitrogen dioxide, sulfur dioxide and particulate matter (PM_{10}), and their standards are included in the Local Air Quality table that follows.

Regional Air Quality

The Federal Clean Air Act and the California Clean Air Act of 1988 require that the State Air Resources Board, based on air quality monitoring data, designate portions of the state where the federal or state ambient air quality standards are not met as "nonattainment areas". In June of 1998, the U.S. EPA reclassified the Bay Area from "maintenance area" to nonattainment for ozone based on violations of the federal standards at several locations in the air basin. This reversed the air basin's reclassification to "maintenance area" for ozone in 1995. Reclassification required an update to the region's federal air quality plan.

Under the California Clean Air Act, Santa Clara County is a nonattainment area for ozone and particulate matter (PM_{10}). The county is either attainment or unclassified for the other

pollutants. The California Clean Air Act requires local air pollution control districts to prepare air quality attainment plans; these plans must provide for district-wide emission reductions of five percent per year averaged over consecutive three-year periods or, if not, provide for adoption of "all feasible measures on an expeditious schedule".

Local Air Quality

Air quality in the project area is subject to the problems experienced by most of the Bay Area. Emissions from millions of vehicle-miles of travel each day often are not mixed and diluted, but are trapped near ground level by an atmospheric temperature inversion. Prevailing air currents generally sweep from the mouth of the Bay toward the south, picking up and concentrating pollutants along the way. A combination of pollutants emitted locally, the transport of pollutants from other areas, and the natural mountain barriers (the Diablo Range to the east and the Santa Cruz Range to the southwest) produce high concentrations. Air quality data from the last three years at the nearest BAAQMD monitoring station in San Jose, and Federal and State standards, are shown in the following table.

Table 2. Local Air Quality

Pollutant	Standard	Days Exceeding Standard 1999	2000	2001
OZONE				
State 1-hour	0.09 ppm	3	0	2
Federal 1-hour	0.12 ppm	0	0	0
Federal 8-hour	0.08 ppm	0	0	0
CARBON MONOXIDE				
State/Federal 8-hour	9.0 ppm	0	0	0
NITROGEN DIOXIDE				
State 1-hour	0.25 ppm	0	0	0
PARTICULATE MATTER (PM_{10})				
State 24-hour	50 $\mu g/m^3$	5	7	4
Federal 24-hour	150 $\mu g/m^3$	0	0	0

SOURCE: Bay Area Air Quality Management District monitoring data for San Jose.
ppm = parts per million $\mu g/m^3$ = micrograms per cubic meter

Project Site

The project site is similar to other locations in the South Bay; air quality meets adopted State and/or Federal standards (the more stringent standard applies) on most days, and during periods when regional atmospheric conditions are stagnated, the air quality is poor throughout the extended South Bay area. There are no existing sources on the project site that currently adversely affect local air quality.

Sensitive Receptors

Sensitive receptors are facilities where sensitive receptor population groups (children, the elderly, the acutely ill and the chronically ill) are likely to be located. These land uses include residences, schools, playgrounds, child care centers, retirement homes, convalescent homes, hospitals and medical clinics. The closest sensitive receptors are the single family residences located north, west and east of the project site, and the public park to the south.

SIGNIFICANCE CRITERIA

The proposed project would have a significant impact on air quality if it would:

- Conflict with or obstruct implementation of the applicable air quality plan.
- Violate any air quality standard or contribute substantially to an existing or projected air quality violation.
- Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is classified as non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors).
- Expose sensitive receptors to substantial pollutant concentrations.
- Create objectionable odors affecting a substantial number of people.

IMPACT AND MITIGATION

ISSUES	POTENTIALLY SIGNIFICANT IMPACT	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT	SOURCES
3. AIR QUALITY. Would the project:					
a. Conflict with or obstruct implementation of the applicable air quality plan?				**X**	29,34
b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?		**X**			26,34
c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is classified as non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors)?			**X**		26,34
d. Expose sensitive receptors to substantial pollutant concentrations?				**X**	28,34
e. Create objectionable odors affecting a substantial number of people?				**X**	26,28

Project Impacts

For most types of development projects, motor vehicles traveling to and from the project represent the primary source of air pollutant emissions associated with the project. The

BAAQMD has established thresholds of significance for these indirect impacts from projects on local and regional air quality. An air quality analysis is recommended when vehicle emissions of carbon monoxide (CO) exceed 550 lbs/day; and if a project generates over 80 lbs/day of reactive organic gases (ROG), nitrogen oxides (NO_x) or suspended particulate matter (PM_{10}), it would have a significant air quality impact. The District has also developed sizes or activity levels for various types of land use, using default values, that would exceed the threshold of significance for NO_x (80 lbs/day). For single family residential, the size is 320 units. The proposed 84-unit project is substantially below that level and, therefore, would not have a significant air quality impact.

Odors

The project would not generate objectionable odors or place sensitive receptors adjacent to a use that generates odors (i.e., landfill, composting, etc.).

Temporary Construction Air Quality

Project construction would produce short-term fugitive dust generated as a result of soil movement and site preparation. Construction would cause dust emissions that could have a significant temporary impact on local air quality. Fugitive dust emissions would be associated with site preparation activities, such as excavation and grading, and building construction. Dust emissions would vary substantially from day to day, depending on the level of activity, the specific operations, and weather conditions. Particulates generated by construction are recognized, but small, contributing sources to regional air quality. While it is a potential impact, construction dust emissions can be mitigated by dust control and suppression practices that are appropriate for the project and level of activity.

MITIGATION MEASURES INCLUDED IN THE PROJECT

Temporary Construction Air Quality

- A Construction Air Quality Plan shall be developed and implemented for dust control to include dust suppression practices such as: 1) frequent watering; 2) damp sweeping of haul routes, parking and staging areas; 3) installation of sandbags or other erosion control measures to prevent silt runoff to public roadways; 4) vehicle speed controls; 5) watering or the use of soil stabilizers on haul routes, parking and staging areas; 6) prohibition of grading during high winds; 7) hydroseeding areas where grading is completed or inactive; 8) covering of stockpiles and loads in haul vehicles; 9) maintaining at least two feet of freeboard in all haul vehicles; 10) limiting the area being graded at a given time; 11) monitoring of particulate levels; and 12) enforcement measures.

4. BIOLOGICAL RESOURCES

Live Oak Associates, Inc. conducted a burrowing owl survey that is included in the Technical Appendix.

SETTING

Vegetation

The project site is presently vacant grassland and a community garden. There are no designated Heritage Trees on the site, and no rare or endangered plant species are known to inhabit the site.

Trees

A 32-inch-diameter walnut tree is located on the project site, as shown on the preceding Aerial Photo of the Site, Figure 6, and in the following Ordinance-Sized Tree photo. This tree exceeds 18 inches in diameter and comes under the review of the City's Tree Ordinance.

Riparian Corridor Habitat

Riparian corridor habitat, i.e., vegetation occurring along the banks of a waterway, is not located on or within 300 feet of the project site. The project would not be constructed within 100 feet of riparian corridor habitat (within 100 feet of the top of bank or edge of riparian vegetation of any waterway).

Wildlife

The project site contains disturbed/agricultural habitat. Wildlife typically associated with this habitat type include birds, reptiles and small mammals. No rare or endangered animal species are known to inhabit the site. The site contains/does not contain any known important wildlife breeding, nesting or feeding areas.

Burrowing Owls

The burrowing owl is a small, terrestrial owl that occurs in annual and perennial grasslands, deserts and scrublands with low-growing vegetation. Suitable owl habitat may also include trees and shrubs if the canopy does not cover more than 30 percent of the ground surface. Burrows, which provide protection, shelter and nests for burrowing owls, represent an essential component of this species' habitat. Burrowing owls typically use burrows made by fossorial (burrowing) animals, such as ground squirrels or badgers, but they will also use man-made structures such as culverts, or openings beneath cement, asphalt paving or debris piles. Burrowing owls use such sites for breeding, wintering, foraging and migration stopovers. Occupancy of suitable habitat may be verified by observations of one or more burrowing owls on the site or by the presence of owl feathers, cast pellets (or prey remains), eggshell fragments or excrement in or near a burrow entrance. Burrowing owls are protected under a variety of state and federal laws including the Migratory Bird Treaty Act and the California Department of Fish and Game (CDFG) Code as a "Species of Special Concern".

Click here for (PHOTOGRAPH OF) ORDINANCE-SIZED TREE (FIGURE 14)

A burrowing owl survey was conducted on April 2, 2003 to ascertain if burrowing owls are currently using the project site. The site is relatively level and supports a fenced community garden (approximately 15 to 20 percent of the site). The remainder of the site was recently disced and void of most ground vegetation. Numerous small mammal burrows (e.g., vole burrows that were less than 2 inches in diameter) were found throughout the site; however, no ground squirrel burrows or other holes of suitable size for burrowing owls were detected onsite. No burrowing owls or evidence of their presence (e.g., feathers, white wash, pellets, etc.) were detected.

Historically, burrowing owls have been observed within 3 miles of the site in 1992, 1993, 1998, 2001 and 2002. The closest sighting occurred approximately 2.4 miles northwest of the site in 2002. Due to the recent discing of the site (presumably a regular activity), there is no habitat currently available for burrowing owls.

SIGNIFICANCE CRITERIA

The proposed project would have a significant impact on biological resources if it would:

- Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive or special status species in local or regional plans, policies or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service.
- Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies or regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service.
- Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act including, but not limited to, marsh, vernal pool, coastal, etc., through direct removal, filling, hydrological interruption or other means.
- Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.
- Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.
- Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan.

ISSUES	POTENTIALLY SIGNIFICANT IMPACT	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT	SOURCES
4. BIOLOGICAL RESOURCES. Would the project:					
a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive or special status species in local or regional plans, policies or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?		**X**			25,59,85
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies or regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				**X**	25,70
c. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act including, but not limited to, marsh, vernal pool, coastal, etc., through direct removal, filling, hydrological interruption or other means?				**X**	25
d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?				**X**	25
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?		**X**			25,29,37
f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan?				**X**	25,29

Trees

There is 1 tree on the project site, a 32-inch diameter walnut tree, that is planned to be removed with the project as it is within the right-of-way of Flickinger Avenue. This tree exceeds 18 inches in diameter (56-inch circumference) and comes under the review of the City's Tree Ordinance, which requires a permit for the removal of any tree with an 18-inch diameter (56-inch circumference) or greater. Street trees would be planted along the public street. The Ordinance-sized tree that is to be removed would be replaced with 4 new 24-inch box trees.

Wildlife

The project requires the removal of the tree and all of the vegetation on the site. The birds and small mammals would diminish during the initial construction, but as the urban landscaping matures, birds that have adapted to the urban environment would return.

Burrowing Owls

No burrowing owls or evidence of their presence were detected during a reconnaissance-level survey on the project site in April, 2003. In addition, no ground squirrel burrows or other holes of suitable size for burrowing owls were detected. Therefore, burrowing owls are considered presently absent from the site due to the lack of suitable breeding habitat on or immediately adjacent to the site.

Due to the absence of burrowing owls presently onsite and the lack of records of burrowing owls in the immediate vicinity (within a few blocks), it is concluded that project development would not result in a significant impact to the owl or its habitat. Even though burrowing owls are presently absent from the site, they are a volant species; and pre-construction surveys should be conducted to ensure that no burrowing owls have begun over-wintering or breeding on the site prior to construction.

PROGRAM MITIGATION MEASURES

Trees

- A permit shall be obtained for the removal of any tree with a diameter of 18 inches (56-inch circumference) or greater; and any such tree that is removed shall be replaced with a tree(s) as required by the San Jose Tree Ordinance.

MITIGATION MEASURES INCLUDED IN THE PROJECT

Trees

- The 32-inch diameter walnut tree that is to be removed shall be replaced by 4 new 24-inch box trees.

Burrowing Owls

- A pre-construction survey for burrowing owls shall be conducted by a qualified ornithologist within 30 days prior to site grading.
- A construction-free buffer zone to be determined by the ornithologist shall be established around any active owl nests.
- No construction activities that would result in disturbance to nesting burrowing owls shall occur.
- If any burrowing owls are discovered using the site during the pre-construction surveys during the non-breeding season, a burrowing owl relocation plan to be approved by the California Department of Fish and Game shall be developed and implemented, including passive measures such as installation of one-way doors in active burrows for up to four days, careful excavation of all active burrows after four days to ensure no owls remain underground, and filling all burrows in the construction area to prevent owls from using them.

5. CULTURAL RESOURCES

SETTING

Prehistoric Resources

The project site is not within a potential archaeological resource zone as outlined on the maps on file at the City of San Jose Department of Planning, Building and Code Enforcement. There are no known cultural sites on the project site, nor does the site have any natural features of significant scenic value or with rare or unique characteristics.

Historic Resources

There are no existing structures located on the project site.

SIGNIFICANCE CRITERIA

The proposed project would have a significant impact on cultural resources if it would:

- Cause a substantial adverse change in the significance of an historical resource as defined in CEQA Guidelines §15064.5.
- Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines §15064.5.
- Directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature.
- Disturb any human remains, including those interred outside of formal cemeteries.

IMPACT AND MITIGATION

ISSUES	POTENTIALLY SIGNIFICANT IMPACT	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT	SOURCES
5. CULTURAL RESOURCES. Would the project:					
a. Cause a substantial adverse change in the significance of an historical resource as defined in CEQA Guidelines §15064.5?				**X**	25,39,40
b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines §15064.5?		**X**			27,38
c. Directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature?				**X**	27,59
d. Disturb any human remains, including those interred outside of formal cemeteries?		**X**			27

Prehistoric Resources

The project site is not in a potential archaeological resource zone. There is no basis to warrant subsurface investigations or monitoring during construction at this time; however, there is still a possibility that unknown subsurface cultural resources may exist on the site.

PROGRAM MITIGATION MEASURES

- Pursuant to Section 7050.5 of the Health and Safety Code, and Section 5097.94 of the Public Resources Code of the State of California: In the event of the discovery of human remains during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The Santa Clara County Coroner shall be notified by the developer and shall make a determination as to whether the remains are Native American. If the Coroner determines that the remains are not subject to his authority, he shall notify the Native American Heritage Commission, who will attempt to identify descendants of the deceased Native American. If no satisfactory agreement can be reached as to the disposition of the remains pursuant to this State law, then the landowner shall reinter the human remains and items associated with Native American burials on the property in a location not subject to further subsurface disturbance.

MITIGATION MEASURES INCLUDED IN THE PROJECT

- Should evidence of prehistoric cultural resources be discovered during construction, work in the immediate area of the find shall be stopped to allow adequate time for evaluation and mitigation, and a qualified professional archaeologist called in to make an evaluation; the material shall be evaluated; and if significant, a mitigation program including collection and analysis of the materials prior to the resumption of grading, preparation of a report and curation of the materials at a recognized storage facility shall be developed and implemented under the direction of the Director of Planning, Building and Code Enforcement.

6. GEOLOGY AND SOILS

Lowney Associates conducted a geotechnical investigation that is included in the Technical Appendix.

SETTING

Topography

The project site has a uniform westerly slope of approximately 1.5 percent. Elevations on the site range from approximately 104 feet at the easterly corner to approximately 94 feet at the westerly corner. There are no significant topographical features on the site.

Geology

The project site is underlain by Quaternary alluvium (Qal), which consists of unconsolidated to weakly consolidated silt, sand and gravel. Quaternary alluvium includes Holocene and late Pleistocene alluvium and minor amounts of beach and dune sand and marine terrace deposits.

Geologic Hazard Zone

The project site is not located in a geologic hazard zone as mapped by the City of San Jose in accordance with the Geologic Hazards Ordinance.

Soils

The project site is underlain by the alluvial soils of the Yolo association as classified by the United States Department of Agriculture, Soil Conservation Service. Yolo loam, 0-2% slopes (YaA) is the specific soil type identified at the site. Yolo loam, 0-2% slopes, is characterized by a grayish brown, massive, hard, neutral surface layer approximately 26 to 32 inches thick; good natural drainage; moderate subsoil permeability; very slow surface runoff; no erosion hazard; high inherent fertility (Class I); and a moderate shrink/swell capacity.

The site is mapped within a hazard zone for liquefaction on the City's *Geologic/Seismic Hazard Zones* maps. According to Cooper-Clark and Associates' *San Jose Geotechnical Investigation,* the site is mapped as having weak soil layers at relatively shallow depths, moderately expansive soils, no erosion potential, and is not susceptible to landslides. The weak soils condition is considered to warrant further geologic study at the environmental review stage. The remainder of the soils conditions can be managed using standard engineering measures and do not require further geologic study at this time as part of the environmental review process, but may require further analysis prior to the issuance of a grading or building permit.

Faulting

There are no identified earthquake faults mapped on the site. The nearest active fault zones are the Hayward Southeast Extension and Hayward Faults, which are mapped approximately 2.5

and 5.3 miles respectively to the northeast, and the San Andreas Fault, which is mapped approximately 15.0 miles to the southwest.

Geotechnical Investigation

A geotechnical investigation was conducted in order to evaluate the subsurface conditions at the site and to provide geotechnical recommendations for design of the proposed residential development. The investigation included the exploration of subsurface conditions by drilling five exploratory borings and retrieving samples for observation and laboratory testing; evaluation of the physical and engineering properties of the subsurface soils by visually classifying the samples and performing various laboratory tests on selected samples; and engineering analysis to evaluate site earthwork, building foundations, retaining walls and pavements.

Subsurface Exploration Program

The subsurface exploration program was performed on April 1, 2003. Five exploratory borings were drilled to depths ranging from 25 to 45 feet to investigate, sample and log the subsurface soils. The locations and logs of the borings are included in the report in the Technical Appendix.

The borings encountered alluvial soils to the maximum depth explored. The site is blanketed with 3 to 4 feet of medium stiff to stiff lean clay with varying amounts of silt and sand, except in the southeasterly area where medium dense to dense silty sand with gravel to a depth of approximately 10 feet was encountered. Beneath the surficial soils, the borings generally encountered interbedded clays, silts and sands. The clays and silts were generally medium stiff to stiff. The sands were generally medium dense to dense, and contained varying amounts of fine-grained material. A zone of loose sand was encountered in the southeasterly portion of the site at a depth of approximately 25 feet. Except for the boring in the southerly portion of the site, a 2 to 5-foot-thick layer of medium to very dense silty to clayey gravel was encountered. Groundwater was encountered at depths between 25 and 27 feet in the central, westerly and southerly portions of the site.

Laboratory Testing Program

The laboratory testing program was directed toward a quantitative and qualitative evaluation of the physical and mechanical properties of the soils underlying the site. Moisture content, dry density, two Plasticity Index (PI) tests, sieve and hydrometer tests and washed sieve analyses were performed on samples. The tests from the upper 3.5 feet of native soil resulted in PIs ranging from 12 to 14, indicating low plasticity and expansion potential. The hydrometer analysis indicated that the samples also contained significant amounts of sand and silt. The results of the tests are included in the report in the Technical Appendix.

Investigative Conclusions

The primary geologic and geotechnical concerns at the site are the presence of potentially liquefiable soils, the presence of loose surficial soils, and seismic shaking. From a geotechnical engineering viewpoint, the proposed development may be constructed as planned, provided the design is performed in accordance with the report recommendations.

SIGNIFICANCE CRITERIA

The proposed project would have a significant geology and soils impact if it would:

- Expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving:
  1) Rupture of a known earthquake fault, as described on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to Division of Mines and Geology Special Publication 42.).
  2) Strong seismic ground shaking.
  3) Seismic-related ground failure, including liquefaction.
  4) Landslides.
- Result in substantial soil erosion or the loss of topsoil.
- Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse.
- Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property.
- Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater.

IMPACT AND MITIGATION

ISSUES	POTENTIALLY SIGNIFICANT IMPACT	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT	SOURCES
6. GEOLOGY AND SOILS. Would the project:					
a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving: 1) Rupture of a known earthquake fault, as described on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to Division of Mines and Geology Special Publication 42.)				**X**	42,43, 46,47,86
2) Strong seismic ground shaking?		**X**			27,45,86
3) Seismic-related ground failure, including liquefaction?		**X**			45,86
4) Landslides?				**X**	43,45,86
b. Result in substantial soil erosion or the loss of topsoil?		**X**			44,45

c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?		**X**			45,86
ISSUES	**POTENTIALLY SIGNIFICANT IMPACT**	**POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED**	**LESS THAN SIGNIFICANT IMPACT**	**NO IMPACT**	**SOURCES**
6. GEOLOGY AND SOILS (Cont.). Would the project:					
d. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?			**X**		44,45,86
e. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?				**X**	28

Expansive Soils

Based on the laboratory test results, the shrink/swell potential of the surface soils on the site is considered to be low.

Loose Surficial Soils

The surficial soils encountered in the borings were loose due to a recent discing, and are potentially compressible. These silty/sandy soils are extremely moisture sensitive. Loose soil will be susceptible to settlement; therefore, the upper soils will need to be over-excavated and recompacted prior to placing any new fill.

As with most sites, mass grading will be extremely difficult during the winter months. If construction begins in the spring when the natural moisture content of the soil is still high, it may be very difficult to excavate and compact the near-surface soil. Consideration should be given to starting mass grading during the middle to late summer to allow the surficial soil to adequately dry out.

Erosion

Development of the project site may subject the soils to accelerated erosion. In order to minimize erosion, erosion control measures such as those described in the Association of Bay Area Governments (ABAG) *Manual of Standards for Erosion & Sediment Control Measures* would be incorporated into the project.

Ground Rupture

Ground rupture (surface faulting) tends to occur along lines of previous faulting. As there are no known faults on the site, the potential for ground rupture due to an earthquake is low.

Seismic Shaking

The maximum seismic event occurring on the site would probably be from effects originating from the Hayward, Calaveras, or San Andreas fault systems. Ground shaking effects can be expected in the area during a major earthquake originating along any of the active faults within the Bay Area. At present, it is not possible to predict when or where movement will occur on these faults. It must be assumed, however, that movement along one or more of these faults will result in a moderate or major earthquake during the lifetime of any construction on this site. The effects on development would depend on the distance to the earthquake epicenter, duration, magnitude of shaking, design and quality of construction, and geologic character of materials underlying foundations.

The maximum credible earthquake, which is defined as *"the maximum earthquake that appears capable of occurring under the presently known framework"*, for the San Andreas Fault ranges from magnitude 8.0 to 8.3; and from magnitude 7.0 to 7.5 for either the Hayward or Calaveras Faults. The maximum probable earthquake, which is defined as *"the maximum earthquake that is likely to occur during a 100-year interval"*, for the San Andreas Fault ranges from magnitude 7.5 to 8.5; from magnitude 6.75 to 7.5 for the Hayward Fault; and from magnitude 6.5 to 7.0 for the Calaveras Fault.

Structural damage from ground shaking is caused by the transmission of earthquake vibrations from the ground into the structure. Ground shaking is apparently the only significant threat to structures built on the site; however, it is important to note that well-designed and constructed structures that take into account the ground response of the soil or rock in their design usually exhibit minor damage during earthquake shaking.

The project would be designed and constructed in accordance with Uniform Building Code requirements, which are intended to reduce seismic risks to an acceptable level.

Secondary Seismic Effects

Liquefaction

The site is located within a State of California Seismic Hazard Zone for liquefaction. Soil liquefaction is a phenomenon in which saturated, cohesionless soil layers located close to the ground surface lose strength during cyclic loading, such as imposed by earthquakes. During the loss of strength, the soil acquires a “mobility” sufficient to permit both horizontal and vertical movements. Soils that are most susceptible to liquefaction are clean, loose, saturated, uniformly graded, fine-grained sands. The conditions at this site are such that the potential for this phenomenon to occur is considered to be moderate.

Total liquefaction-induced settlements are estimated on the order of 1.0 to 1.5 inches; since the sand layers encountered do not appear to be continuous across the site, differential settlements

on the order of 0.5 to 0.75 inch would be anticipated over relatively short distances. The effects of localized differential settlement can be mitigated by supporting the proposed residential structures on rigid mat foundations.

Other Secondary Seismic Effects

Lateral spreading typically occurs as a form of horizontal displacement of relatively flat-lying alluvial material toward an open or "free" face such as an open body of water, channel or excavation. Since there are no creeks or open bodies of water within an appropriate distance from the site, the probability of lateral spreading occurring at the site during a seismic event is low.

Based on the topographic and lithologic data, the risk of lurch cracking, regional subsidence or uplift, landslides, tsunamis or seiches is considered low at the site.

PROGRAM MITIGATION MEASURES

Seismic Shaking

- The project shall be designed and constructed to incorporate wall bracing, mudsil anchors, tie downs, and/or hinge connectors to ensure structural stability as required by the earthquake design regulations of the Uniform Building Code.

MITIGATION MEASURES INCLUDED IN THE PROJECT

General

- All earthwork and foundation plans and specifications shall comply with the recommendations of the geotechnical investigation by Lowney Associates. The geotechnical report lists approximately 25 recommendations that are included in the project for earthwork, foundations, retaining walls, and pavements, most of which reflect standard engineering practices that are not required to mitigate environmental impacts. The recommendations that specifically address potential geotechnical hazards found on the site are included below.

Liquefaction / Differential Settlement

- Post-tensioned mat foundations bearing on compacted fill shall be utilized.

- Drainage shall be controlled and directed away from all structures and pavements.

Loose Surficial Soils

- The loose upper soils shall be over-excavated and recompacted prior to the placement of any new fill.

Erosion

- A City approved erosion control plan shall be developed and implemented with such measures as: 1) the timing of grading activities during the dry months, if feasible; 2) temporary and permanent planting of exposed soil; 3) temporary check dams; 4) temporary sediment basins and traps and/or 5) temporary silt fences.

7. HAZARDS AND HAZARDOUS MATERIALS

Geomatrix Consultants, Inc. conducted an environmental site assessment and Phase II investigation that is included in the Technical Appendix.

SETTING

Environmental Site Assessment and Phase II Investigation

An environmental site assessment and Phase II investigation were conducted to evaluate whether past onsite activities may have affected soil and groundwater quality beneath the site, to evaluate whether current onsite and offsite activities may affect soil and groundwater quality at the site, and to collect soil and groundwater samples for chemical analysis to further evaluate site conditions. The environmental site assessment consisted of site history research, including a review of available, selected historical aerial photographs and topographic maps; a site reconnaissance to observe and document general conditions and activities at the site, and a drive-by "windshield" survey of adjacent properties; and a search of regulatory agency databases to identify environmental cases in the site vicinity. The Phase II investigation consisted of the collection of soil samples across the site for analysis of pesticides and metals for general site coverage.

Site History

Historical aerial photographs of the site and vicinity from 1939 through 1994 were reviewed. The 1939 aerial photo shows orchards surrounding the site; however, it is unclear whether orchards are present on the site as the site appears undeveloped. The 1956 and 1965 photos show the site as containing orchards; some development has occurred to the north and northwest. The 1982 aerial photo shows the site as undeveloped; the surrounding area has been developed with a mix of residential and commercial uses. The site no longer contains orchards in the 1994 photograph. The site shows some development of roadways and structures in the eastern corner. The property to the southeast appears to have been developed into a park/baseball fields. The area surrounding the site appears to be primarily residential.

Historical topographic maps of the site and vicinity from 1899 through 1980 were reviewed. On the 1899 map, the site and surrounding area are shown as undeveloped/vacant. Flickinger Avenue had not yet been constructed. The site and surrounding area are shown as orchards from 1943 through 1968. The site still contains orchards on the 1973 and 1980 maps, while the surrounding area has developed (roads and structures). A well or spring symbol is shown to the northwest of the site on the 1961 through 1980 maps.

Site Reconnaissance

The site was viewed on April 2 and 10, 2003. The reconnaissance included observing general conditions of the property with respect to possible environmental concerns; interviewing available personnel regarding activities and material storage at the property; and a drive-by

survey of adjacent properties. At the time of the site reconnaissance, the site was vacant, with the exception of a fenced garden area. The community garden contained several portable sheds, a portable toilet, and planted plots. A shallow pit containing burned charcoal, assumed to be for barbecuing, was observed within the garden. Additionally, an unvegetated area measuring approximately 40 feet by 10 feet was observed within the garden. According to the manager of the community garden, no chemicals should be used within the garden; however, she could not verify whether individual gardeners used chemicals or not.

Several boring locations, assumed to have been advanced by the geotechnical consultant, were observed during the reconnaissance. No monitoring wells, no drums, and no evidence of underground storage tanks (USTs; fill and/or vent pipes) were observed. No evidence of staining was observed on the site.

The adjacent properties consisted of residential developments to the northwest, northeast and southwest; while Flickinger Park was to the southeast. No tanks, drums, or evidence of chemical usage was observed on the adjacent properties.

Regulatory Agency Review

Several applicable regulatory agency databases were searched to identify nearby properties with documented environmental releases and/or those that use, store, or dispose of regulated chemicals, as detailed in the report in the Technical Appendix. The site was not listed as part of any of the databases reviewed. One site was listed between 0.25 and 0.5 mile of the project site: the Del Monte Plant #54 located at 1940 Hostetter Road. The Del Monte site was listed on the CORTESE and LUST databases. The Del Monte site received closure on the LUST case on January 25, 1993.

Phase II Investigation

As the site was historically used for agriculture (orchards and community garden), during which time pesticides and herbicides may have been used, a Phase II investigation was conducted, consisting of the collection and analysis of soil samples from 13 shallow soil borings. The boring locations, which are shown in the report in the Technical Appendix, were spaced to allow broad coverage over the entire property.

Eight borings were advanced using a drilling rig, and five borings were advanced using hand augering techniques. All borings were advanced to a depth of approximately 4 to 5 feet below ground surface (bgs) on April 15, 2003. Soil samples were collected for chemical analysis from the 13 borings at depths of approximately 1.5 and 4.0 feet bgs. The shallow soil samples (1.5 feet bgs) were analyzed for metals (arsenic, barium, cadmium, chromium, lead, mercury, selenium and silver) and for organochlorine pesticides using U.S. EPA methodologies. The deeper soil samples were placed on hold pending the results of the shallow samples.

The results of the Phase II investigation, including stratigraphy observed during drilling and analytical data, are included in the report in the Technical Appendix. The soil results were compared to the San Francisco Bay Area RWQCB Risk-Based Screening Levels (RBSLs) and naturally-occurring background concentrations of metals from the Lawrence Berkeley National Laboratory. Selenium and silver were not detected above the laboratory sample quantitation limits (SQLs). Concentrations of metals in soil are generally within the range of background for fill/colluvium soil except for cadmium; however, cadmium was consistently detected in soil at concentrations ranging from 1.8 to 2.5 milligrams per kilogram (mg/kg) and was below the health-based screening level used to evaluate the data. Lead was detected above background in one soil sample, but was not detected above the RBSL of 200 mg/kg.

Select organochlorine pesticides, including endrin, DDT, DDE and DDD, were detected above the laboratory SQLs in soil samples collected from 10 borings, located throughout the easterly half of the site. DDT, DDE and DDD were detected at concentrations ranging from 0.002 to 0.43 mg/kg; however, these concentrations are less than the screening levels used. Endrin was detected in two soil samples at concentrations of 0.033 and 0.037 mg/kg. The deeper soil samples from these two locations were analyzed to confirm that the endrin concentrations did not increase with depth. As detailed in the addendum report in the Technical Appendix, pesticides, including endrin, were not detected above laboratory reporting limits in either sample.

Wells

A stovepipe well head was observed on the southwest side of the project site, near Flickinger Avenue, during the geotechnical investigation.

Electrical Transmission Lines

A Pacific Gas and Electric Company (PG&E) easement approximately 50 feet in width runs along the northeasterly site boundary. High-voltage electrical transmission towers and lines are located in the easement.

Natural Gas Transmission Lines

Three high pressure natural gas pipelines are located within the 50-foot PG&E right-of-way along the northeasterly boundary of the project site. These natural gas pipelines include one 20-inch line and two 34-inch lines.

SIGNIFICANCE CRITERIA

The proposed project would have a significant hazards and hazardous materials impact if it would:

- Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials.

- Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.
- Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances or waste within one-quarter mile of an existing or proposed school.
- Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment.
- For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area.
- For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area.
- Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan.
- Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands.

IMPACT AND MITIGATION

ISSUES	POTENTIALLY SIGNIFICANT IMPACT	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT	SOURCES
7. HAZARDS AND HAZARDOUS MATERIALS. Would the project:					
a. Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials?		**X**			26, 27, 28,87,88
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?				**X**	28,87,88
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances or waste within one-quarter mile of an existing or proposed school?				**X**	27, 28,87,88
d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				**X**	52
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				**X**	27,61

ISSUES	POTENTIALLY SIGNIFICANT IMPACT	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT	SOURCES
7. HAZARDS AND HAZARDOUS MATERIALS (Cont.). Would the project:					
f. For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				**X**	27,61
g. Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?				**X**	27
h. Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				**X**	25, 27,72,73

Agricultural Chemicals

Thirteen borings were drilled on the site on April 15, 2003, to a depth of approximately 4 to 5 feet bgs. Shallow soil samples (1.5 feet bgs) and selected deeper samples (4.0 feet bgs) were analyzed for organochlorine pesticides and metals. Based on the results of the analyses, detections in the samples are all lower than residential screening levels, and it is unlikely that groundwater beneath the site is impacted by dissolved metals or pesticides.

Wells

There is an existing water well on the project site that would be destroyed prior to the construction of the project. If not properly destroyed, the well could cause contamination of the groundwater. Well destruction is regulated by the Santa Clara Valley Water District's Ordinance No. 90-1 in order to assure that such wells will not cause pollution or contamination of groundwater or otherwise jeopardize the health, safety, or welfare of the people of the district. The Ordinance requires that a permit be obtained before a well can be destroyed.

Electrical Transmission Lines

High voltage electrical transmission towers and lines within a PG&E easement are located along the northeasterly site boundary. The nearest proposed residence, in the northerly corner of the site, would be approximately 5 feet from the easement, while the remaining homes are further away. The remainder of the homes along the northeasterly site boundary are over 30 feet from the easement. High voltage transmission lines create electric and magnetic fields and audible noise. Effects, which are based on transmission line voltage, height of the conductors above ground, electrical phasing configuration and distance away from the line, can include safety hazards, effects on human health, audible noise, radio and television interference, creation of ozone, electric induction on objects, fuel ignition and cardiac pacemaker interference. Exposure to electric and magnetic fields may produce changes in living cells under laboratory conditions,

but research has not proven whether there may be any harm from these changes. Some epidemiological studies have reported a possible association between electric and magnetic field exposure and cancer; however, no cause and effect relationship has been demonstrated.

Natural Gas Transmission Lines

Three high pressure natural gas pipelines, one 20-inch and two 34-inch, are located within a 50-foot PG&E right-of-way along the northeasterly boundary of the project site. For public safety reasons, land uses in proximity to high pressure natural gas pipelines are subject to City development guidelines, as follows:

Uses Within Pipeline Right-of-Way

- Preferred uses are those under the control of PG&E, the City, County, or other public agency.
- No structure, either temporary or permanent, should be placed within the right-of-way.
- Public park and open space uses such as playing fields, walkways, bicycle paths, and golf courses, are appropriate uses.
- Parking, streets, walks, and landscaping may be placed within the right-of-way.
- Landscaping within the right-of-way should be so designed as to not impede access, and to avoid deep rooted shrubs or trees from causing damage to the pipelines.
- All uses within the right-of-way are contingent upon written approval from PG&E prior to the start of any construction or excavation activity.

Uses Adjacent to Pipeline Right-of-Way

- Only buildings having a "low-density occupancy load" should be allowed within 250 feet of the edge of right-of-way. This is exclusive of buildings intended for non-ambulatory persons or where freedom of movement is otherwise restricted. Buildings assumed to have a "low-density occupancy load" include single and multiple family dwellings, offices, industrial buildings, hotels/motels, parking garages, and retail stores not a part of a shopping mall.
- No building of more than two stories should be allowed within 250 feet of the edge of right-of-way.
- No buildings other than detached carports or minor accessory structures should be allowed within 15 feet of the edge of right-of-way.
- Buildings having a "high-density occupancy load" or more than two stories should be set back at least 250 feet from the edge of right-of-way. Buildings assumed to have a "high-density occupancy load" include restaurants, drinking establishments, conference facilities, stadiums, auditoriums, hospitals, and nurseries for children.

Access to Pipeline Right-of-Way

- Site design and building placement adjacent to pipeline right-of-way should allow for access for routine and emergency maintenance and repair unless access can be provided at street crossings.

No project land uses are proposed within the pipeline right-of-way. No buildings other than detached carports or minor accessory structures would be within 15 feet from the edge of the right-of-way. Land uses proposed within 250 feet of the edge of the right-of-way include single family detached residential uses. These proposed uses are in conformance with the City's development guidelines.

Demolition

There are no structures existing on the project site.

PROGRAM MITIGATION MEASURES

Wells

- A well destruction permit shall be obtained from the Santa Clara Valley Water District, and the well shall be destroyed in accordance with District standards.

MITIGATION MEASURES INCLUDED IN THE PROJECT

Electrical Transmission Lines

- Dust control measures shall be implemented to avoid contamination of the insulators during construction.

Natural Gas Transmission Lines

- No buildings other than detached carports or minor accessory structures shall be within 15 feet from the edge of the PG&E high pressure natural gas pipeline right-of-way.

- No habitable buildings having a “high-density occupancy load” or more than two stories in height shall be located within 250 feet of the edge of the PG&E high pressure natural gas pipeline right-of-way.

8. HYDROLOGY AND WATER QUALITY

SETTING

Waterways

There are no waterways on the project site or within 300 feet of the project site.

Flooding

The project site is not within an area of historic flooding; however, according to the Federal Emergency Management Agency's (FEMA) *Flood Insurance Rate Maps*, the northerly half of the site is within Zone B, which includes "*areas between the limits of the 100-year flood and 500-year flood; or certain areas subject to 100-year flooding with average depths less than one foot or where the contributing drainage area is less than one square mile; or areas protected by levees from the base flood*". According to the Santa Clara Valley Water District's (SCVWD) *Maps of Flood Control Facilities and Limits of 1% Flooding*, the site is within a zone of flooding to depths of generally less than one foot. The limits of the potential inundation are shown on the following FEMA-based Potential Flooding map.

Water Quality

Stormwater runoff flows to Coyote Creek, which flows northerly to San Francisco Bay.

Nonpoint Sources

The Clean Water Act states that the discharge of pollutants in stormwater to Waters of the United States from any point source is unlawful, unless the discharge is in compliance with a National Pollutant Discharge Elimination System (NPDES) permit. The U.S. Environmental Protection Agency requires under the Clean Water Act that any stormwater discharge from construction sites larger than five acres be in compliance with the NPDES. The State Regional Water Quality Control Board (RWQCB), which is responsible for implementing and enforcing the program, issued a statewide General Permit for construction activities. Provisions of the current Permit require that the following issues be addressed with respect to water quality regardless of the size of the site: 1) erosion and sedimentation during clearing, grading or excavation of a site; and 2) the discharge of stormwater once construction is completed. Coverage under this Permit would be obtained by submitting a Notice of Intent to the RWQCB that identifies the responsible party, location and scope of operation; and by developing and implementing a Storm Water Pollution Prevention Plan (SWPPP) as well as monitoring the effectiveness of the plan.

The Santa Clara Valley Nonpoint Source Control Program was developed to control nonpoint sources of pollution from entering water sources and deteriorating water quality. A number of control measures, including those related to development activities, industrial and construction inspections, public agency activities and public outreach efforts, are also currently being

Click here for POTENTIAL FLOODING MAP
(FIGURE 15)

developed and implemented. The development, implementation and enforcement of control measures to reduce pollutant discharges from areas of new development is the responsibility of the Nonpoint Source Control Program in cooperation with the RWQCB.

SIGNIFICANCE CRITERIA

The proposed project would have a significant impact on hydrology and water quality if it would:

- Violate any water quality standards or waste discharge requirements.
- Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted).
- Substantially alter the existing drainage pattern of the site or area, including the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site.
- Result in increased erosion in its watershed.
- Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site.
- Substantially alter drainage patterns due to changes in runoff volumes and flow rates.
- Result in increased impervious surfaces and associated increased runoff as specified in the NPDES permit and the City's Post Construction Urban Runoff Management Policy.
- Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff.
- Result in an increase in pollutant discharges to receiving waters such as heavy metals, pathogens, petroleum derivatives, synthetic organics, sediment, nutrients, oxygen-demanding substances, and trash.
- Result in an increase in any pollutant for which the water body is already impaired as listed on the Clean Water Act Section 303 (d) list available from the State Water Resources Control Board.
- Result in alteration of receiving water quality during or following construction including clarity, temperature, and level of pollutants.
- Substantially alter surface water quality, or marine, fresh, or wetland waters as specified in the NPDES permit.
- Substantially alter ground water quality as specified in the NPDES permit.
- Cause or contribute to an exceedance of applicable surface or groundwater receiving water quality objectives or degradation of beneficial uses as specified in the NPDES Permit, General Plan, and City policy.
- Otherwise substantially degrade water quality.
- Place housing within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map.
- Place within a 100-year flood hazard area structures that would impede or redirect flood flows.
- Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam.
- Be subject to inundation by seiche, tsunami or mudflow.

ISSUES	POTENTIALLY SIGNIFICANT IMPACT	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT	SOURCES
8. HYDROLOGY AND WATER QUALITY. Would the project:					
a. Violate any water quality standards or waste discharge requirements?		**X**			28,55,69
b. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?				**X**	25,27
c. Substantially alter the existing drainage pattern of the site or area, including the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?				**X**	25,26
d. Result in increased erosion in its watershed?		**X**			45,46
e. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site?				**X**	25,26
f. Substantially alter drainage patterns due to changes in runoff volumes and flow rates?			**X**		25,26
g. Result in increased impervious surfaces and associated increased runoff as specified in the NPDES permit and the City's Post Construction Urban Runoff Management Policy?			**X**		26,55
h. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?				**X**	26,28
i. Result in an increase in any pollutant discharges to receiving waters such as heavy metals, pathogens, petroleum derivatives, synthetic organics, sediment, nutrients, oxygen-demanding substances, and trash?			**X**		26,28

j. Result in an increase in any pollutant for which the water body is already impaired as listed on the Clean Water Act Section 303 (d) list available from the State Water Resources Control Board?				**X**	26,28
ISSUES	**POTENTIALLY SIGNIFICANT IMPACT**	**POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED**	**LESS THAN SIGNIFICANT IMPACT**	**NO IMPACT**	**SOURCES**
8. HYDROLOGY AND WATER QUALITY (Cont.). Would the project:					
k. Result in alteration of receiving water quality during or following construction including clarity, temperature, and level of pollutants?				**X**	26,28
l. Substantially alter surface water quality, or marine, fresh, or wetland waters as specified in the NPDES permit?				**X**	26,55
m. Substantially alter ground water quality as specified in the NPDES permit?				**X**	26,55
n. Cause or contribute to an exceedance of applicable surface or groundwater receiving water quality objectives or degradation of beneficial uses as specified in the NPDES permit, General Plan, and City policy?				**X**	26,29,55
o. Otherwise substantially degrade water quality?				**X**	26,28
p. Place housing within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?			**X**		26, 27,53,54
q. Place within a 100-year flood hazard area structures that would impede or redirect flood flows?			**X**		26, 27,53,54
r. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				**X**	27,28
s. Be subject to inundation by seiche, tsunami or mudflow?				**X**	27,86

Flooding

The project site is not within the limits of potential inundation with the occurrence of a one percent flood, but is in an area between the 100-year and 500-year floods or in certain areas subject to 100-year flooding with average depths less than one foot or where the contributing drainage area is less than one square mile.

Water Quality

The primary impact on water quality would be from street drainage. Particulates, oils, greases, toxic heavy metals, pesticides and organic materials are typically found in urban storm runoff. The project's contribution would not be expected to have a significant impact on water quality.

Construction-related activities such as clearing, grading, or excavation, however, could result in potentially significant temporary impacts to water quality.

PROGRAM MITIGATION MEASURES

Water Quality

- A Notice of Intent and a Storm Water Pollution Prevention Plan that addresses both construction and post-construction periods and specifies erosion and sediment control measures, waste disposal controls, maintenance responsibilities and non-stormwater management controls, shall be submitted to the RWQCB to comply with the stormwater discharge requirements of the NPDES General Permit.

MITIGATION MEASURES INCLUDED IN THE PROJECT

Flooding

- Buildings shall be designed so that the finished floor is elevated above the projected FEMA flood level.

Water Quality

- A Storm Water Pollution Prevention Plan (SWPPP) in compliance with the local NPDES permit shall be developed and implemented including: 1) site description; 2) erosion and sediment controls; 3) waste disposal; 4) implementation of approved local plans; 5) proposed post-construction controls, including description of local post-construction erosion and sediment control requirements; 6) Best Management Practices (BMPs) such as the use of infiltration of runoff onsite, first flush diversion, flow attenuation by use of open vegetated swales and natural depressions, stormwater retention or detention structures, oil/water separators, porous pavement, or a combination of these practices for both construction and post-construction period water quality impacts; and 7) non-storm water management.

9. LAND USE AND PLANNING

SETTING

General Plan
The land use designation for the project site on the San Jose 2020 General Plan is Public/Quasi-Public. According to the General Plan, "*an alternate use of property designated for Public/Quasi-Public or Public Parks and Open Space use may be approved under Planned Development zoning without an amendment to the Land Use/Transportation Diagram if such alternate use is compatible with existing and planned uses on neighboring properties and is consistent with applicable General Plan policies. The determination of such compatibility and consistency includes consideration of whether the site, in light of the overall planning for the surrounding area, would more appropriately be designated for uses of a public, quasi-public or recreational nature*". The project conforms with this classification.

Special Areas
The project site is not located within any of the following special areas:

- Midtown Planned Community and Specific Plan Area
- Jackson – Taylor Planned Residential Community
- Communications Hill Planned Residential Community
- Evergreen Planned Residential Community
- Berryessa Planned Residential Community
- Silver Creek Planned Residential Community
- Alviso Master Plan Area
- Tamien Specific Plan Area
- Downtown Strategy Plan Area
- North San Jose (Rincon de Los Esteros Redevelopment Area)
- Edenvale Redevelopment Area

Zoning
The project site is currently zoned A - Agriculture. The project is an application to rezone the site to A(PD) in accordance with the proposed General Development Plan.

Existing Use
The project site is currently contains vacant grassland and the Berryessa Community Garden. Previous uses of the site include: orchard. The proposed project is a land use presently existing in the surrounding neighborhood (within 500 feet of the project site).

Surrounding Uses
Land uses surrounding (within 500 feet of) the project site include: residential to the north; public utility and residential to the east; public park to the south; and residential across Flickinger Avenue to the west.

SIGNIFICANCE CRITERIA

The proposed project would have a significant impact on land use and planning if it would:

- Physically divide an established community.
- Conflict with any applicable land use plan, policy or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan,

local coastal program or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect.
- Conflict with any applicable habitat conservation plan or natural community conservation plan.

IMPACT AND MITIGATION

ISSUES	POTENTIALLY SIGNIFICANT IMPACT	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT	SOURCES
9. LAND USE AND PLANNING. Would the project:					
a. Physically divide an established community?				**X**	25,26
b. Conflict with any applicable land use plan, policy or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, local coastal program or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?				**X**	29
c. Conflict with any applicable habitat conservation plan or natural community conservation plan?				**X**	25,26,28

The project would change the land use on the site from vacant / public/quasi-public to residential use in accordance with the General Plan land use designation. Residential use is compatible with the surrounding area. Development of the project site would introduce new roads and homes to the area. These uses would change the view of the site and would generate increases in traffic, noise and air pollution in the area that would not be significant.

MITIGATION MEASURES INCLUDED IN THE PROJECT

None required.

10. MINERAL RESOURCES

SETTING

The project site does not contain a quarry; however, the site is mapped as having deeper sand and gravel deposits that are valuable for percolation.

SIGNIFICANCE CRITERIA

The proposed project would have a significant impact on mineral resources if it would:

- Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state.
- Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan.

IMPACT AND MITIGATION

ISSUES	POTENTIALLY SIGNIFICANT IMPACT	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT	SOURCES
10. MINERAL RESOURCES. Would the project:					
a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				**X**	27,29,59
b. Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				**X**	27,29,59

The project would not result in the loss of availability of a known mineral resource.

MITIGATION MEASURES INCLUDED IN THE PROJECT

None required.

11. NOISE

Charles M. Salter Associates, Inc. conducted an environmental noise analysis that is included in the Technical Appendix.

SETTING

Existing Noise Sources

Noise intrusion over the site originates primarily from vehicular traffic sources on Flickinger Avenue, which carries an Average Daily Traffic (ADT) volume of 13,200 along the site. Other noise sources include vehicular traffic on other surface streets and occasional Flickinger Park activities.

ALUC Noise Zone

The project site is not located within an Airport Land Use Commission (ALUC) Noise Zone (65 dB CNEL).

Measurements

To assess the site's existing noise environment, continuous sound level recordings were taken at a location 43 feet from the centerline of Flickinger Avenue.

Noise levels are described in terms of the Day-Night Sound Level (DNL), which is the 24-hour noise descriptor used by the City of San Jose to define acceptable noise levels. These values are calculated from the energy equivalent level (L_{eq}). To obtain the L_{eq} values, sound level measurements were made on June 3 through 5, 2003, for a total period of 54 hours, and included representative hours of the daytime and nighttime periods of the DNL index. In addition, eight short-term (15-minute) measurements were made at the project site on June 5, 2003, as detailed in the noise analysis in the Technical Appendix. Calculations result in a DNL value of 61 to 64 dB at the most impacted dwellings along Flickinger Avenue.

SIGNIFICANCE CRITERIA

The proposed project would have a significant noise impact if it would result in:

- Exposure of persons to, or generation of, noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.
- Exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise levels.
- A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project.
- A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project.
- For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels.

- For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels.

IMPACT AND MITIGATION

ISSUES	POTENTIALLY SIGNIFICANT IMPACT	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT	SOURCES
11. NOISE. Would the project result in:					
a. Exposure of persons to, or generation of, noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?		**X**			26,60,89
b. Exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise levels?				**X**	25,27
c. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?			**X**		25,26,28
d. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?		**X**			25,26,28
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				**X**	27,61
f. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				**X**	27,61

Standards

Noise criteria that apply to the project are included in the City of San Jose General Plan, which establishes a policy of requiring noise mitigation from transportation noise for residential land use where the exterior level exceeds 60 dB DNL and/or the interior level exceeds 45 dB DNL. It is recognized, however, that attainment of the exterior noise quality levels in the vicinity of San Jose International Airport, the Downtown Core Area and along major roadways may not be achieved within the time frame of the General Plan.

Exterior Noise Exposures

Onsite measurements and calculations determined that the maximum DNL for the most impacted dwellings along Flickinger Avenue under existing traffic conditions is 61 to 64 dB.

To fully assess the impact of traffic noise on the project, future traffic levels must also be considered. Future traffic volumes on Flickinger Avenue along the site are projected to double by the year 2010. The future year 2010 noise exposure along Flickinger Avenue is calculated to increase to 64 to 67 dB DNL. The future 64 to 67 dB DNL at the most impacted dwellings along Flickinger Avenue would exceed the City of San Jose policy level by up to 7 dB.

Interior Noise Exposures

To determine the interior DNL values, a 15 dB attenuation factor was applied to the measured exterior exposure. This factor represents an annual average condition; i.e., assuming that windows with single-strength glass are kept open up to 50 percent of the time for natural ventilation. Interior noise exposures in the dwelling units closest to Flickinger Avenue would be 49 to 52 dB DNL under projected future (2010) traffic conditions. Thus, the interior exposure would be up to 7 dB in excess of the 45 dB interior limit of the General Plan.

Temporary Construction Noise

During construction, the site preparation and construction phase would generate temporary sound levels ranging from approximately 70 to 90 dBA at 50 foot distances from heavy equipment and vehicles. These construction vehicles and equipment are generally diesel powered, and produce a characteristic noise that is primarily concentrated in the lower frequencies.

The powered equipment and vehicles act as point sources of sound, which would diminish with distance over open terrain at the rate of 6 dBA for each doubling of the distance from the noise source. For example, the 70 to 90 dBA equipment peak noise range at 50 feet would reduce to 64 to 84 dBA at 100 feet, and to 58 to 78 dBA at 200 feet. Therefore, during the construction operations, sound level increases of 20 to 40 dBA due to these sources could occur near the project boundary.

Since construction is carried out in several reasonably discrete phases, each has its own mix of equipment and consequently its own noise characteristics. Generally, the short-term site preparation phase, which requires the use of heavy equipment such as bulldozers, scrapers, trenchers, trucks, etc., would be the noisiest. The ensuing building construction and equipment installation phases would be quieter and on completion of the project, the area's sound levels would revert essentially to the traffic levels.

PROGRAM MITIGATION MEASURES

Interior Noise

- Mechanical ventilation shall be provided in accordance with Uniform Building Code requirements when windows are to be closed for noise control.

MITIGATION MEASURES INCLUDED IN THE PROJECT

Mitigation measure discussions in this section refer to the following Noise Attenuation map. Details and specifications are included in the noise assessment.

Exterior Noise

- A 6-foot-high noise attenuation barrier shall be constructed along the westerly side yards and rear yards of the homes along Flickinger Avenue.

Interior Noise

- Parallel windows and sliding glass doors shall be maintained closed and STC 31 or higher rated windows and doors shall be installed at all upper floor and unshielded ground floor living spaces of the first row of homes along Flickinger Avenue.

- Perpendicular windows and sliding glass doors shall be maintained closed and STC 28 or higher rated windows and doors shall be installed at all upper floor and unshielded ground floor living spaces of the first row of homes along Flickinger Avenue.

- Parallel and perpendicular windows and sliding glass doors shall be maintained closed and STC 28 or higher rated windows and doors shall be installed at all upper floor and unshielded ground floor living spaces of the second row of homes along Flickinger Avenue (south façade corner units only).

Temporary Construction Noise

- Noisy construction operations shall be scheduled for the daytime hours of 7:00 a.m. to 7:00 p.m. Monday through Friday so as to avoid the more sensitive evening, nighttime and weekend hours.

Click here for NOISE ATTENUATION MAP
(FIGURE 16)

12. POPULATION AND HOUSING

SETTING

The population of the City of San Jose is approximately 918,800. The project site is located in Census Tract 5043.16, which has a population of approximately 4,868 (2000 Census). There are no housing units currently on the project site.

SIGNIFICANCE CRITERIA

The proposed project would have a significant impact on population and housing if it would:

- Induce substantial population growth in an area, either directly or indirectly.
- Displace numbers of existing housing, necessitating the construction of replacement housing elsewhere.
- Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere.

IMPACT AND MITIGATION

ISSUES	POTENTIALLY SIGNIFICANT IMPACT	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT	SOURCES
12. POPULATION AND HOUSING. Would the project:					
a. Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?				**X**	25,26,28
b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				**X**	25,26
c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				**X**	25,26

The project would not displace any existing housing units. The project would add 84 housing units that would add approximately 269 people to the City of San Jose, which would not be a substantial increase to the City's population.

Direct growth inducing impacts include the construction of streets and utilities that would provide access to or capacity for additional undeveloped land. The site is bordered by developed residential, public park and utility uses. The project would not have a direct growth inducing impact. Indirect growth inducing impacts include increases in population and economic impacts. There would be short-term increases in employment in the construction industry. The project would not have an indirect growth inducing impact.

MITIGATION MEASURES INCLUDED IN THE PROJECT

None required.

13. PUBLIC SERVICES

SETTING

Schools

The project site is in the Berryessa Union School District (K-8) and the East Side Union High School District (9-12). Students from the project are expected to attend:

School	Address	Approx. Distance *(miles)*	Enrollment
Brooktree Elementary	1781 Olivetree Drive	0.6	545
Morrill Middle	1970 Morrill Avenue	1.4	1,002
Piedmont Hills High	1377 Piedmont Road	1.7	2,000

Some grade levels within the elementary school district are impacted, and the district enrollment is growing yearly.

Parks

The project site currently contains the Berryessa Community Garden. Community gardens are year-round gardens managed by volunteer staff, offering an opportunity for San Jose residents to have their own garden plots. Approximately 64 plots are located within this 2.0-acre community garden.

There are two developed City of San Jose parks within walking distance (3/4 mile) of the project site. Flickinger Park, adjacent to the project site, is a 14.4-acre neighborhood park that contains playgrounds, basketball courts, baseball and softball fields, a soccer field, and picnic tables. Vinci Park is a 3.0-acre neighborhood park located at Vinci Park Way and Donohue Drive; it contians a playground, picnic tables and barbecues.

Fire Protection

The project site is in the service area of the San Jose Fire Department. The fire stations responding to emergency calls, i.e., fires and emergency medical situations, within the project site and their approximate response times are listed below. The total reflex time is the time from when the Department first receives the call to when the firemen reach their destination.

Station No.	Address	Approx. Distance (*miles*)	Projected Travel Time (*minutes*)	Travel Time Standard (*minutes*)	Projected Total Reflex Time (*minutes*)	Total Reflex Time Standard (*minutes*)
Initial First Alarm:						
1st Engine: 23	1771 Via Cinco de Mayo	1.4	3.5	4.0	7.5	8.0
2nd Engine: 19	1025 Piedmont Road	2.8	6.0	6.0	10.0	10.0
1st Truck: 5 *	1380 N. Tenth Street	3.0	7.5	6.0	11.5	10.0
1st B. Chief 2	2933 Alum Rock Avenue	4.3	8.5	9.0	12.5	13.0
Full First Alarm:						
3rd Engine: 5	1380 N. Tenth Street	3.0	6.5	9.0	10.5	13.0
2nd Truck: 2	2933 Alum Rock Avenue	4.3	10.0	11.0	14.0	15.0
2nd B. Chief 29	199 Innovation Drive	4.4	9.0	11.0	13.0	15.0

** Urban Search and Rescue (USAR) unit.* B. Chief = Battalion Chief

All of the response times are within the recommended limits, except for the first-due truck.

Police Protection

The project site is within Beat No. R5 of the San Jose Police Department's service area. The major crimes reported in Beat R5 in terms of frequency during 2002 were auto burglary, auto theft, aggravated assault and simple assault.

SIGNIFICANCE CRITERIA

The proposed project would have a significant impact on public services if it would:

- Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: Fire protection; Police protection; Schools; Parks; and Other Public Facilities.

ISSUES	POTENTIALLY SIGNIFICANT IMPACT	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT	SOURCES
13. PUBLIC SERVICES. Would the project:					
a. Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: Fire protection?			**X**		10
Police protection?			**X**		65
Schools?			**X**		6,7,8
Parks?			**X**		9,63
Other Public Facilities?			**X**		28

Schools

The project would add additional students to the Berryessa Union School District and the East Side Union High School District, as follows:

School	Enrollment	Generation Factor	Number of Students
Brooktree Elementary	545	0.14/du	12
Morrill Middle	1,002	0.07/du	6
Piedmont Hills High	2,000	0.20/du	17

Based on the district generation factors listed above, the project would generate a total of up to 35 students. This is not considered to have a significant physical effect on the environment.

The State School Facilities Act provides for school district impaction fees for elementary and high schools and related facilities as a condition of approval of residential projects. Both districts have implemented such a fee. The one-time fee, which is based on the square footage of new habitable residential construction, would be paid prior to the issuance of a building permit and would be allocated to the two districts.

Parks

The City of San Jose provides parks and recreation facilities within the city. Project residents would increase the demand for public park facilities; however, there are currently two developed City of San Jose parks within the 3/4-mile reasonable walking distance standard, one of which is adjacent to the site. The City parks in the area are adequate to serve the project residents.

Parkland Dedications

The City has established a Parkland Dedication Ordinance that requires dedication of land and/or payment of fees for neighborhood and community park or recreational purposes in accordance with the Services and Facilities and the Parks and Recreation Goals and Policies of the General Plan. There are currently no plans to dedicate land for park purposes with the project. Fees to be paid in lieu of land dedication would be either a flat fee established by the Schedule of Fees as adopted by Resolution of the City Council, or the average fair market value of the land within the entire subdivision multiplied by the number of acres required to be dedicated plus 10 percent towards costs of offsite improvements.

Fire Protection

The project site is in the service area of the San Jose Fire Department. All of the response times are within the recommended limits, except for the first-due truck; this exceedance is considered only a slight deficiency by the Department. No additional fire personnel or equipment would be necessary due to the implementation of this project.

Police Protection

The San Jose Police Department provides police protection for the city. No additional police personnel or equipment are expected to be necessary to serve the project.

MITIGATION MEASURES INCLUDED IN THE PROJECT

None required.

14. RECREATION

SETTING

There are two developed City of San Jose parks within walking distance (3/4 mile) of the project site. Flickinger Park, adjacent to the project site, is a 14.4-acre neighborhood park that contains playgrounds, basketball courts, baseball and softball fields, a soccer field, and picnic tables. Vinci Park is a 3.0-acre neighborhood park located at Vinci Park Way and Donohue Drive; it contians a playground, picnic tables and barbecues.

SIGNIFICANCE CRITERIA

The proposed project would have a significant impact on recreation if it would:

- Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated.
- Include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment.

IMPACT AND MITIGATION

ISSUES	POTENTIALLY SIGNIFICANT IMPACT	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT	SOURCES
14. RECREATION.					
a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?			**X**		9,62,63
b. Does the project include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?				**X**	26,28

The City of San Jose provides parks and recreation facilities within the city. Project residents would increase the demand for public park facilities; however, there are currently two developed City of San Jose parks within the 3/4-mile reasonable walking distance standard, one of which is adjacent to the site. The City parks in the area are adequate to serve the project residents.

MITIGATION MEASURES INCLUDED IN THE PROJECT

None required.

15. TRANSPORTATION / TRAFFIC

DKS Associates conducted a traffic impact analysis that is included in the Technical Appendix.

SETTING

Street System

Regional Roadways

Regional access to the site is provided by Interstate 880 (I-880), Interstate 680 (I-680), and U.S. 101.

I-880

I-880 extends from I-280 in the south to I-980 in the north in the City of Oakland. In the project vicinity, I-880 runs in the north-south direction, and includes two mixed-flow lanes in each direction of travel. I-880 has no HOV lanes in Santa Clara County. I-880 provides access to the project area with its interchange at Brokaw Road.

I-680

I-680 is an eight-lane facility in the north-south direction in the project vicinity. I-680 extends from U.S. 101 in the south in the City of San Jose to I-80 in Solano County in the north. Access to the project area from I-680 is provided via its interchanges at Hostetter Road and at Capitol Avenue. I-680 has no HOV lanes in the project area.

U.S. 101

This facility extends from the City of Los Angeles in the south to the Oregon border in the north. In the project vicinity, U.S. 101 runs in the north-south direction and includes three mixed-flow lanes in each direction of travel plus an HOV lane in each direction. Access to the project area from U.S. 101 is provided via a full cloverleaf interchange at I-880, and to/from Old Oakland Road.

Local Roadways

Local access to the site is provided by Flickinger Avenue, Brokaw Road/Murphy Avenue/ Hostetter Road, Lundy Avenue, Capitol Avenue, and Sierra Road.

Flickinger Avenue

Flickinger Avenue is a two to four-lane roadway with a north-south direction, located adjacent to the project site. It extends from Berryessa Road in the north to Flickinger Way in the south.

Brokaw Road/Murphy Avenue/Hostetter Road

Brokaw Road/Murphy Avenue/Hostetter Road is a two to six-lane arterial with an east-west direction. Brokaw Road provides four lanes of travel between the I-880 southbound off-ramp and I-880 northbound off-ramp. East of the I-880 NB on/off-ramp, it becomes a six-lane

arterial. Brokaw Road extends from Airport Parkway in the west to Old Oakland Road in the east, where it becomes Murphy Avenue. Murphy Avenue, a six-lane divided arterial, extends from Old Oakland Road to Lundy Avenue, where it becomes Hostetter Road. Hostetter Road, a six-lane divided arterial, extends from Lundy Avenue to Sierra Creek Way to the east.

Lundy Avenue

Lundy Avenue is a four-lane divided arterial that runs in the north-south direction, west of the project site. It extends from Cropley Boulevard in the north to Berryessa Road in the south, where it becomes King Road.

Capitol Avenue

Capitol Avenue is a four-lane divided arterial with a north-south direction, located to the east of the project site, east of I-680. It extends from the Great Mall Parkway/I-880 interchange in the north to Capitol Expressway in the south.

Sierra Road

Sierra Road is a two-lane minor street with an east-west direction. It runs from Bellemeade Street in the east to its terminus at Woodranch Road just west of I-680.

Level of Service

In an urban street network, the critical determinants for overall traffic conditions are the operational characteristics of the major intersections. To establish a standard frame of reference when describing traffic flow, the concept of level of service is used. As described by the *Highway Capacity Manual*, the level of service of a facility is a theoretical traffic volume determined by its physical and operational characteristics and by stipulated conditions of traffic flow. Delay is a measure of driver discomfort, frustration, fuel consumption, and lost travel time, which is measured as the average stopped delay per vehicle. Flow conditions vary from unrestricted at Level A to forced flow at Level F, as described on the second following page.

The major street system in the project site vicinity and the levels of service are shown on the following Major Street System map.

Click here for MAJOR STREET SYSTEM MAP
(FIGURE 17)

Level of Service	Type of Flow	Traffic Conditions	V/C Ratio	Delay (sec.)
A	Free	No approach phase fully utilized. No vehicle waits longer than one red indication.	<0.60	≤5.0
B	Stable	An occasional approach phase is fully utilized.	0.60-0.69	5.1-15.0
C	Stable	Occasional drivers may have to wait through more than one red signal. Backups may develop behind turning vehicles.	0.70-0.79	15.1-25.0
D	Approaching Unstable	Delays to vehicles may be substantial during short peaks, but periodic clearance of queues prevents excessive backups from developing.	0.80-0.89	25.1-40.0
E	Unstable	Capacity, with sustained delays and backups.	0.90-0.99*	40.1-60.0
F	Forced	Excessive delay.	Varies	>60.0

* In general, V/C ratios could not be greater than 1.00. However, if future demand projections are considered for analytical purposes, a ratio greater than 1.00 might be obtained, indicating that the projected demand would exceed the capacity.

Existing Conditions

Local conditions and project impacts are evaluated by TRAFFIX, which is a computer program based on the *Highway Capacity Manual* method for signalized intersections. TRAFFIX evaluates signalized intersection operations on the basis of average delay time for all vehicles at the intersection. Eleven major intersections that would be affected by the project are reviewed. The General Plan/Transportation Level of Service Policy requires that the minimum overall performance of City streets during peak travel periods should be level of service "D".

The major intersections were evaluated under existing and future traffic conditions to determine their level of service. Future conditions were determined by adding traffic projections from approved projects that have not been occupied, as provided by the City Department of Public Works Development Services Division, to the existing condition. In addition, several planned roadway improvements, as described in the report in the Technical Appendix, were included.

The following table lists the weighted average delays and equivalent levels of service for the existing and existing plus approved morning and evening peak hours.

Table 3. Existing Levels of Service

Intersection	Peak Hour	Existing Delay* (sec.)	Existing LOS	Existing + Approved Delay* (sec.)	Existing + Approved LOS
I-880 SB off-ramp and	a.m.	29.4	D	28.2	D
Brokaw Road (W)**	p.m.	31.7	D	33.3	D
I-880 NB off-ramp and	a.m.	12.8	B	16.2	C
Brokaw Road (E)**	p.m.	14.2	B	15.3	C
Old Oakland Road and	a.m.	31.4	D	31.9	D
Brokaw Rd./Murphy Ave.**	**p.m.**	**41.6**	**E**	**43.7**	**E**
Lundy Avenue and	a.m.	31.6	D	32.3	D
Murphy Avenue	p.m.	31.1	D	31.6	D
Flickinger Avenue and	a.m.	17.6	C	16.9	C
Hostetter Road	p.m.	17.1	C	17.8	C
Four Oaks Road and	a.m.	8.5	B	8.2	B
Hostetter Road	p.m.	7.4	B	7.3	B
I-680 NB off-ramp and	a.m.	23.7	C	24.2	C
Hostetter Road	p.m.	17.7	C	17.4	C
N. Capitol Avenue and	a.m.	37.2	D	33.7	D
Hostetter Road	p.m.	37.5	D	32.3	D
N. Capitol Avenue and	a.m.	***		5.9	B
I-680 NB on-ramp	p.m.	***		6.0	B
N. Capitol Avenue and	a.m.	10.8	B	11.6	B
Via Cinco de Mayo	p.m.	8.0	B	7.7	B
Capitol Avenue and	a.m.	30.3	D	27.1	D
Trade Zone Blvd./Cropley Ave.**	**p.m.**	**49.1**	**E**	**42.0**	**E**

*Delay – Average delay for the whole intersection in seconds. LOS = Level of Service

**CMP intersection

***This is a newly installed signal that is not yet operating due to on-going construction of the Capitol Light Rail Extension.

Under the existing plus approved condition, two of the intersections, as shown in the above table in **bold**, are operating below Level D.

Public Transit

Public transit in the project area is provided by the Santa Clara Valley Transportation Authority. Bus route 70 operates along Flickinger Avenue with stops south of Hostetter Road near Villagetree Drive. The project site is not located within 2,000 feet of a light rail station.

Congestion Management Program Analysis

A Congestion Management Program (CMP) analysis was also performed using the guidelines outlined in the Santa Clara County CMP. Level of service calculations were performed for four CMP intersections.

The following table lists the weighted average delays and the equivalent levels of service for the existing morning and evening peak hours.

Table 4. Existing Levels of Service - CMP

Intersection	Peak Hour	Existing Delay* (sec.)	Existing LOS	Existing + Approved Delay* (sec.)	Existing + Approved LOS
I-880 SB off-ramp and	a.m.	29.4	D	28.2	D
Brokaw Road (W)	p.m.	31.7	D	33.3	D
I-880 NB off-ramp and	a.m.	12.8	B	16.2	C
Brokaw Road (E)	p.m.	14.2	B	15.3	C
Old Oakland Road and	a.m.	31.4	D	31.9	D
Brokaw Rd./Murphy Ave.	p.m.	41.6	E	43.7	E
Lundy Avenue and	a.m.	31.6	D	32.3	D
Murphy Avenue	p.m.	31.1	D	31.6	D

* Delay = Average delay per vehicle in seconds. LOS = Level of Service

Under the existing plus approved condition, none of the intersections is operating below Level E.

Freeway Segment Analysis

A freeway segment is required to be included in the transportation impact analysis if it meets any of the following requirements: 1) the proposed development project is adjacent to one of the freeway segments access or egress points; or 2) based on engineering judgment, lead agency staff determines that the freeway segment should be included in the analysis. Based on these criteria, the following freeway segments were analyzed:

- I-880 Northbound between Brokaw Road and Montague Expressway
- I-880 Southbound between Brokaw Road and U.S. 101
- I-680 Northbound between Capitol Avenue and Montague Expressway
- I-680 Southbound between Capitol Avenue and Berryessa Road

SIGNIFICANCE CRITERIA

The proposed project would have a significant impact on transportation / traffic if it would:

- Cause a City intersection operating at Level D or better to operate at Level E or F; or cause an increase in critical delay of 4.0 or more seconds and an increase in the critical V/C ratio of 0.010 or more at a City intersection that is projected to operate at Level E or F with existing plus approved projects.
- Cause a CMP intersection operating at Level E or better to operate at Level F; or cause an increase in critical delay of 4.0 or more seconds and an increase in the critical V/C ratio of 0.010 or more at a CMP intersection that is projected to operate at Level F with existing plus approved projects.
- Cause an increase of one percent or more of the capacity at a freeway segment that is projected to operate at Level F with existing plus approved projects; or cause a freeway segment to deteriorate from Level E or better to Level F.
- Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks.

- Substantially increase hazards due to a design feature or incompatible uses.
- Result in inadequate emergency access.

- Result in inadequate parking capacity.
- Conflict with adopted policies, plans or programs supporting alternative transportation.

IMPACT AND MITIGATION

ISSUES	POTENTIALLY SIGNIFICANT IMPACT	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT	SOURCES
15. TRANSPORTATION/TRAFFIC. Would the project:					
a. Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio of roads, or congestion at intersections)?			**X**		68,71,90
b. Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?				**X**	74,90
c. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				**X**	27,28
d. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible land uses (e.g., farm equipment)?				**X**	26,28
e. Result in inadequate emergency access?				**X**	26,28
f. Result in inadequate parking capacity?				**X**	26,28
g. Conflict with adopted policies, plans or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?				**X**	26,29

Trip Generation

The project traffic generation is estimated in the following table.

Table 5. Project Traffic Generation

				A.M. Peak Hour Trips			P.M. Peak Hour Trips		
Land Use	Units	Trip Rate	Daily Trips	In (35%)	Out (65%)	Total	In (65%)	Out (35%)	Total
SFD residential	84	9.9	822	29	54	83	54	29	83

Trip Distribution and Assignment

The project-generated trips were distributed and assigned to the local street system in accordance with existing travel patterns and the locations of complementary land uses. Further trip distributions are detailed in the traffic analysis in the Technical Appendix.

Project Impacts

The major intersections were analyzed for changes in average delay and level of service with the addition of project traffic. The average delays and corresponding levels of service are listed in the following table, and the levels of service are shown on the following Traffic Impacts map.

Table 6. Project Levels of Service

Intersection	Peak Hour	Exist. + Approved Delay* (*sec.*)	LOS	Exist. + App. + Project Delay* (*sec.*)	LOS	Δ Crit. V/C Ratio	Δ Crit. Delay* (*sec.*)
I-880 SB off-ramp and	a.m.	28.2	D	28.7	D		
Brokaw Road (W)**	p.m.	33.3	D	33.5	D		
I-880 NB off-ramp and	a.m.	16.2	C	16.3	C		
Brokaw Road (E)**	p.m.	15.3	C	14.1	B		
Old Oakland Road and	a.m.	31.9	D	31.9	D		
Brokaw Rd./Murphy Ave.**	p.m.	43.7	E	44.0	E	0.001	0.3
Lundy Avenue and	a.m.	32.3	D	32.3	D		
Murphy Avenue	p.m.	31.6	D	31.7	D		
Flickinger Avenue and	a.m.	16.9	C	18.6	C		
Hostetter Road	p.m.	17.8	C	18.3	C		
Four Oaks Road and	a.m.	8.2	B	8.1	B		
Hostetter Road	p.m.	7.3	B	7.3	B		
I-680 NB off-ramp and	a.m.	24.2	C	24.2	C		
Hostetter Road	p.m.	17.4	C	17.4	C		
N. Capitol Avenue and	a.m.	33.7	D	33.7	D		
Hostetter Road	p.m.	32.3	D	32.5	D		
N. Capitol Avenue and	a.m.	5.9	B	5.9	B		
I-680 NB on-ramp	p.m.	6.0	B	6.0	B		
N. Capitol Avenue and	a.m.	11.6	B	11.6	B		
Via Cinco de Mayo	p.m.	7.7	B	7.7	B		
Capitol Avenue and	a.m.	27.1	D	27.1	D		
Trade Zone Blvd./ Cropley Ave.**	p.m.	42.0	E	42.0	E	0.000	0.0

* Delay = Average delay for the whole intersection in seconds. ** CMP intersection.
LOS = Level of Service V/C = Volume to Capacity

The existing plus approved levels of service at the eleven intersections would remain unchanged or improve with the addition of project traffic; and the project would not add four seconds or more to the critical delay and 0.010 or more to the critical V/C ratio at the intersections that are projected to operate at Level E or F. Therefore, the project's traffic impacts would be non-significant and no mitigation measures are required to meet the City's Transportation Level of Service Policy.

Site Access and Internal Circulation

Site access and circulation were analyzed for the project. The site plan indicates access via four private street connections to Flickinger Avenue. Access points 1, 3, and 4 would allow for right-

Click here for TRAFFIC IMPACTS MAP
(FIGURE 18)

turn-in and right-turn-out only, while access point 2 (opposite Astro Court) would allow for full unsignalized access from the northbound and southbound directions along Flickinger Avenue, as further detailed in the report in the Technical Appendix.

Congestion Management Program Analysis

The four identified CMP intersections were analyzed for changes in weighted average delay and level of service with the addition of project traffic, as shown in the following table.

Table 7. Project Levels of Service - CMP

Intersection	Peak Hour	Exist. + Approved Delay* (*sec.*)	LOS	Exist. + App. + Project Delay* (*sec.*)	LOS	Δ Crit. V/C Ratio	Δ Crit. Delay* (*sec.*)
I-880 SB off-ramp and	a.m.	28.2	D	28.4	D		
Brokaw Road (W)	p.m.	33.3	D	33.5	D		
I-880 NB off-ramp and	a.m.	16.2	C	16.3	C		
Brokaw Road (E)	p.m.	15.3	C	14.1	B		
Old Oakland Road and	a.m.	31.9	D	31.9	D		
Brokaw Rd./Murphy Ave.	p.m.	43.7	E	44.0	E		
Lundy Avenue and	a.m.	32.3	D	32.3	D		
Murphy Avenue	p.m.	31.6	D	31.7	D		

* Delay = Average delay per vehicle in seconds.
LOS = Level of Service V/C = Volume to Capacity

All of the four CMP intersections would have weighted average delays equivalent to a Level of Service E or better. The project would conform to the CMP level of service standard and policy.

Freeway Segment Analysis

The following freeway segments were analyzed:

- I-880 Northbound between Brokaw Road and Montague Expressway
- I-880 Southbound between Brokaw Road and U.S. 101
- I-680 Northbound between Capitol Avenue and Montague Expressway
- I-680 Southbound between Capitol Avenue and Berryessa Road

According to the 2001 Santa Clara County Freeway Monitoring Report, the following segments currently operate at unacceptable level of service "F" during the p.m. peak hours: 1) southbound segments of mixed-flow lanes along I-880 between Brokaw Road and U.S. 101; and 2) southbound segments of mixed-flow lanes along I-680 between Capitol Avenue and Hostetter Road and between Hostetter Road and Berryessa Road. As detailed in the report in the Technical Appendix, the proposed project would not result in any significant impact to freeway segments in the project area.

MITIGATION MEASURES INCLUDED IN THE PROJECT

None required.

16. UTILITIES AND SERVICE SYSTEMS

SETTING

Sanitary Sewers

There is an existing 8-inch City of San Jose sanitary sewer in Flickinger Avenue. Extensions within the project would be required.

Wastewater Treatment

Wastewater treatment for the City of San Jose is provided by the San Jose-Santa Clara Water Pollution Control Plant (WPCP). Capacity is expected to be available to serve the project based on the current capacity of 167 million gallons per day (MGD). The Water Pollution Control Plant is currently processing an estimated 135 MGD of dry weather flow. At the same time, the WPCP is currently operating under a 120 MGD dry weather flow trigger. This requirement is based upon the State Water Resources Board and the Regional Water Quality Control Board (RWQCB) concerns over the effects of additional freshwater discharges on the saltwater marsh habitat, and pollutants loading to the South Bay from the WPCP. A Growth Management System regulates new development to assure that the capacity is not exceeded. There are programs and services in place to help minimize flows to the Plant and, while plans are in place to ensure Plant compliance with the 120 mgd trigger, those plans call for conservation and water recycling as strategies for ongoing compliance.

Water Supply

There is an existing 24-inch San Jose Water Company water line in Flickinger Avenue. Extensions within the project would be required.

Storm Drainage Facilities

There is an existing 18-inch City of San Jose storm drainage line northerly in Flickinger Avenue that is stubbed at the northerly site boundary, and an existing 12-inch City storm drainage line southerly in Flickinger Avenue that is stubbed at Astro Court. Extensions within the project would be required.

Solid Waste / Recycling

Residential solid waste disposal service for the project site is provided by the City of San Jose, using GreenTeam of San Jose and/or Norcal. They are currently using the Newby Island sanitary landfill disposal site operated by International Disposal Company. The landfill area has an estimated service life of 30 years. An unlimited residential recycling program in the City currently results in an approximately 50 percent reduction in residential solid waste that typically required disposal in a landfill.

Gas and Electric Service

Natural gas and electric services for San Jose are provided by Pacific Gas and Electric Company. There are existing services in the area.

Telephone Service

Telephone service for the project site is provided by SBC. There is existing service in the area.

SIGNIFICANCE CRITERIA

The proposed project would have a significant impact on utilities and service systems if it would:

- Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board.
- Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.
- Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.
- Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed.
- Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments.
- Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs.
- Comply with federal, state and local statutes and regulations related to solid waste.

IMPACT AND MITIGATION

ISSUES	POTENTIALLY SIGNIFICANT IMPACT	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT	SOURCES
16. UTILITIES AND SERVICE SYSTEMS. Would the project:					
a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?			**X**		15,69
b. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			**X**		28
c. Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			**X**		12

ISSUES	POTENTIALLY SIGNIFICANT IMPACT	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT	SOURCES
16. UTILITIES AND SERVICE SYSTEMS (Cont.). Would the project:					
d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?			**X**		28
e. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?			**X**		28
f. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?			**X**		28
g. Comply with federal, state and local statutes and regulations related to solid waste?			**X**		28

Sanitary Sewers

Sanitary sewer service for the project site is provided by the City of San Jose. The 8-inch sanitary sewer line in Flickinger Avenue is available and adequate to serve the project. Extensions within the project would be provided.

Wastewater Treatment

Wastewater treatment for the City of San Jose is provided by the San Jose-Santa Clara Water Pollution Control Plant. The project is estimated to generate an average of approximately 20,000 gallons per day (0.02 MGD) of effluent, based on the Growth Management System's land use/effluent coefficient of 237 gallons per day per single family detached/attached residential unit. High energy efficiency appliances (e.g., Energy Star Certified clothes washers, dishwashers, etc.) would be provided with the project.

Water Supply

Water for the project site is provided by the San Jose Water Company. The 24-inch water line in Flickinger Avenue is available and adequate to serve the project. Extensions within the project would be provided. The project is estimated to require approximately 35,000 gallons of water per day, based on 130 gallons per person per day. The project incorporates built-in water savings devices such as shower heads with flow control devices and low flush toilets to reduce water usage.

Storm Drainage Facilities

An increase in impervious surfaces associated with project development would cause an increase in stormwater runoff. Storm drainage service for the project site is provided by the City of San

Jose. The 12 and 18-inch storm drainage lines in Flickinger Avenue are available and adequate to serve the project. Extensions within the project would be provided. An onsite collection system including curbs, gutters and an underground system would be included in the project.

Solid Waste / Recycling

Residential solid waste disposal service for the project site is provided by the City of San Jose. The project is estimated to generate up to approximately 147 tons of solid waste per year, based on 3.0 pounds per person per day; however, with recycling, the amount disposed of in a landfill could be reduced to approximately 74 tons per year.

Gas and Electric Service

There are existing Pacific Gas and Electric Company gas and electric services in the area that would be extended as required to serve the project. There is sufficient capacity in this utility system to provide adequate project service.

Telephone Service

There are existing SBC telephone facilities in the area that would be extended as required to serve the project. There is sufficient capacity in this utility system to provide adequate project service.

MITIGATION MEASURES INCLUDED IN THE PROJECT

None required.

17. MANDATORY FINDINGS OF SIGNIFICANCE

ISSUES	POTENTIALLY SIGNIFICANT IMPACT	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT
17. MANDATORY FINDINGS OF SIGNIFICANCE.				
a. Does the project have the potential to (1) degrade the quality of the environment, (2) substantially reduce the habitat of a fish or wildlife species, (3) cause a fish or wildlife population to drop below self-sustaining levels, (4) threaten to eliminate a plant or animal community, (5) reduce the number or restrict the range of a rare or endangered plant or animal or (6) eliminate important examples of the major periods of California history or prehistory?			**X**	
b. Does the project have impacts that are individually limited, but cumulatively considerable? "Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects and the effects of other current projects.			**X**	
c. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?		**X**		

ENVIRONMENTAL CLEARANCE APPLICATION

APPLICANT'S CERTIFICATION

APPLICANT	Pulte Home Corporation
PROJECT TITLE	*Bentley Park*
PROJECT LOCATION	Easterly side of Flickinger Avenue, approximately 650 feet southerly of Hostetter Road

I hereby certify that the statements furnished about and in the attached exhibits present the data and information required for this initial evaluation to the best of my ability, and that the facts, statements, and information presented are true and correct to the best of my knowledge and belief.

If, to my knowledge, any of the facts represented here change, it is my responsibility to inform the City of San Jose.

_____ _____

Date Applicant

APPENDIX

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17. **Gas and Electrical Mapping Departments**, Pacific Gas and Electric Company

Sources and References

25. **Site Inspection**

26. **Project Plans**

27. **Knowledge of the Area**

28. **Experience with Other Project(s) of this Size and Nature**

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Consultants' Reports

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86. **Geotechnical Investigation, Flickinger Park Residential Development, San Jose, California**, Lowney Associates, April 9, 2003

87. **Environmental Site Assessment and Phase II Investigation, Flickinger Property, San Jose, California**, Geomatrix Consultants, Inc., April 29, 2003

88. **Addendum to the Environmental Site Assessment and Phase II Investigation, Flickinger Property, San Jose, California**, Geomatrix Consultants, Inc., May 21, 2003

89. **Acoustical Analysis, Bentley Park, San Jose, CA**, Charles M. Salter Associates, Inc., June 16, 2003

90. **Traffic Impact Analysis, Bentley Park Development Project**, DKS Associates, July 10, 2003

TECHNICAL APPENDIX

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Copies of the following consultants' reports, which were prepared for *Bentley Park* and are summarized in this Environmental Clearance Application / Initial Study, are included in this Technical Appendix.

Burrowing Owl Survey, Flickinger School Site, Live Oak Associates, Inc., April 2, 2003

Geotechnical Investigation, Flickinger Park Residential Development, San Jose, California, Lowney Associates, April 9, 2003

Environmental Site Assessment and Phase II Investigation, Flickinger Property, San Jose, California, Geomatrix Consultants, Inc., April 29, 2003

Addendum to the Environmental Site Assessment and Phase II Investigation, Flickinger Property, San Jose, California, Geomatrix Consultants, Inc., May 21, 2003

Acoustical Analysis, Bentley Park, San Jose, CA, Charles M. Salter Associates, Inc., June 16, 2003

Traffic Impact Analysis, Bentley Park Development Project, DKS Associates, July 10, 2003